

In the United States Court of Federal Claims

No. 15-1163

Filed: August 30, 2016

MALCOLM PIPES,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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ORDER

Having reviewed the documents concerning the Government's January 27, 2016 Motion To Dismiss, the court has determined that it is not in a position to dismiss the October 9, 2015 Complaint, because there are a number of jurisdictional facts at issue.¹ Specifically, the court requests that the Government produce the following:

1. The United States Air Force ("USAF") letter formally enrolling Plaintiff into the Self-Paced Fitness Program ("SFIP");
2. The USAF Fitness Screening Questionnaire completed by Plaintiff on or about January 6, 2006;
3. The February 5, 2006 USAF Medical Clearance Exam Report from the 917th Medical Squadron;
4. The USAF Adverse Event Report concerning Plaintiff's September 3, 2006 stroke;
5. All documents concerning the USAF's determination that Plaintiff's stroke did not occur in the line of duty, *i.e.*, during inactive duty training, and, if applicable, affidavits from those USAF personnel who relayed the USAF's determination to Plaintiff on December 5, 2006 and February 4, 2007; and

¹ Therefore, the Government's January 27, 2016 Motion To Dismiss is denied.

6. A copy of or internet link to all relevant Air Force Instructions (“AFI”) not already submitted to the court, including:

- AFI 36-3209
- AFI 41-210

The Government will submit these documents to the court on or before October 14, 2016. Upon receipt of the requested documents, the court will schedule a status conference.

IT IS SO ORDERED.

s/ Susan G. Braden
SUSAN G. BRADEN
Judge